IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1127 OF 2003
IN
SUIT NO.3370 OF 1990

Mr.Mahesh B.Parikh and Ors. .. Plaintiffs

Vs.

Vijay Deep Developments and Ors. ..Defendants

And

The Assessor and Collector,
'D' Ward, M.C.G.M. and Anr. .. Respondents

Mr.M.B.Parekh plaintiff in person

Mr.Sunil Purohit i/b Wadia Ghandy and Co. for defendant no.9 and 10

Ms.Meena Madhusudhan i/b Mahendra Patel & Associates for defendant no.11 to 15

CORAM : S.U.KAMDAR, J
DATED : 16TH SEPTEMBER, 2005

P.C.:

1. By prayer clause (a) of the motion, it has been claimed that the balance consideration of Rs.4,99,856.40 should be deposited by defendant no.1 to 3. This prayer was based on the ground that there is large amount of property tax due and payable. There is an attachment of the property in respect thereof. Plaintiff admits that property

tax are paid and warrant of attachment is raised in respect of the said property and thus in that view of the matter, prayer clause (a) does not survive any further. In so far as prayer clause (b) is concerned, relief sought cannot be granted at interim stage. Motion disposed of accordingly. No order as to costs.